

RENTON CITY COUNCIL  
Regular Meeting

October 23, 2006  
Monday, 7 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Kathy Keolker called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

**ROLL CALL OF  
COUNCILMEMBERS**

DON PERSSON; MARCIE PALMER; TERRI BRIERE; DENIS LAW; DAN CLAWSON; TONI NELSON. MOVED BY LAW, SECONDED BY CLAWSON, COUNCIL EXCUSE ABSENT COUNCIL PRESIDENT RANDY CORMAN. CARRIED. (Councilman Corman arrived at 7:39 p.m.)

**CITY STAFF IN  
ATTENDANCE**

KATHY KEOLKER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; ALEX PIETSCH, Economic Development Administrator; SUZANNE DALE ESTEY, Economic Development Director; MARTY WINE, Assistant CAO; PREETI SHRIDHAR, Communications Director; MIKE WEBBY, Human Resources Administrator; TERRY HIGASHIYAMA, Community Services Administrator; MICHAEL BAILEY, Finance and Information Services Administrator; CHIEF I. DAVID DANIELS and DEPUTY CHIEF CHUCK DUFFY, Fire Department; CHIEF KEVIN MILOSEVICH, DEPUTY CHIEF TIM TROXEL and COMMANDER KATIE MCCLINCY, Police Department.

**PROCLAMATION**  
Make a Difference Day -  
10/28/2006

A proclamation by Mayor Keolker was read declaring the day of October 28, 2006, to be "Make a Difference Day" in the City of Renton, and urging fellow citizens to observe this day by connecting with friends, fellow employees, and relatives, and with religious, school, and civic groups to engage in projects benefiting the community. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

**SPECIAL  
PRESENTATIONS**

Community Event: Return to  
Renton Car Show,  
Contribution of Proceeds to  
Police Department

Jim Medzegian, member of the Return to Renton Cruise-In Benefit Car, Truck and Motorcycle Show Steering Committee, reported that the net proceeds from the car show will be used for the Police Department's youth fund. Noting that 300 vehicles were displayed at the 16th annual event held at Renton Memorial Stadium on July 8, Mr. Medzegian recognized the support received from various organizations and individuals. He presented Police Chief Milosevich with some commemorative items and a check in the amount of \$13,500, which Chief Milosevich accepted with appreciation.

**AJLS: Mayor's Presentation of  
2007 Budget**

Mayor Keolker presented her proposed City of Renton 2007 Budget to Renton citizens and members of the City Council. She indicated that she worked hard to address the priorities and needs of the Council, employees, and community.

The Mayor reported that the proposed 2007 Budget totals \$210,861,478. Of that total, \$58,572,956 represents the capital budgets, which is 62 percent more than last year. The budget anticipates sales tax revenues to grow by 5 percent over 2006 actual receipts. She recommended a modest increase in utility rates to pay for maintenance and needed capital improvements, and minor increases in certain user fees. Mayor Keolker further recommended the use of prior year budget savings of just over \$400,000 to fund one-time investments in City programs such as replacement of firefighting equipment and purchase of vehicles to support the needs of additional staff.

Mayor Keolker reviewed the 2006 accomplishments, including: the groundbreaking for The Landing project; the completion of IKEA's 36,000 square foot retail space addition; the commencement of construction of the Federal Reserve's cash processing facility; the announced plans of the Seattle Seahawks to move their headquarters and training facilities to Renton; the commencement of construction of a new ten-acre neighborhood park in the Highlands; the opening of the new Maplewood Water Treatment Facility; the improvement in the City's credit rating; and the implementation of RENSTAT, a program that utilizes computer statistics to focus police where they are needed most, and E-police, an online web-based police reporting system.

Turning to mandatory cost increases, Mayor Keolker indicated that the most significant impact was the change in retirement system contributions established by the state. Contributions will increase by an average of 44.5 percent in 2007. She noted that the City's energy bill is estimated to increase by \$95,000 in 2007, and that costs related to the retirement system rate and the Valley Communications Center emergency communications system for the fire and police departments have increased. Overall, approximately 11 percent of the increase to the operating budget is the result of mandatory cost increases.

In regards to maintaining service levels, the Mayor explained that while Renton's population has grown over the past several years, partly due to small annexations and new construction, the ratio of employees per thousand has declined since 2001. She proposed adding 18 employees, an increase of just over 2 percent above the current number. Mayor Keolker reviewed other key additions to the budget that address service levels such as legal assistance, recruitment advertising, and software upgrades.

Mayor Keolker stated that the budget includes initiatives that will leverage resources in several ways in regards to public safety. The budget proposes adding resources for the aquatic programs to increase the hours of operation. The budget includes an increase to the human services grants, which puts the City back in line with the 1 percent human services funding target set several years ago. Additionally, the budget includes funds to provide gateway and "way-finding" signage for the downtown area, and provides for a study of ways to connect the downtown to areas such as The Landing, Southport, and Gene Coulon Memorial Beach Park.

Continuing, the Mayor said the budget includes a nearly \$22 million increase in capital improvement projects from 2006. The projects, including the SW 27th St. connection to Strander Blvd., the precision approach at the Renton Airport, the Sam Chastain Waterfront Trail, and the new Hazen 565 Zone reservoir and treatment facility, total nearly \$58.6 million.

In conclusion, Mayor Keolker expressed her appreciation for the advice and guidance provided by the Council, for the efforts of City staff, and the ideas offered by the Renton community. She stated that the City's finances are sound enough to move forward with these operating and capital recommendations, and that it is time to make the necessary changes to the budget to ensure the momentum continues in meeting the City's business plan goals and objectives.

Finance and Information Services Administrator Michael Bailey explained how the actual budget document is organized, and how changes to the budget are identified. He pointed out that the budget documents are available for review at the City Clerk's Office and will soon be posted to the City's website.

**PUBLIC MEETING**

AJLS: Initiative 933

(Government Regulation of Private Property)

Councilman Persson noted the arrival of Council President Corman at 7:39 p.m.

This being the date set and proper notices having been posted and published in accordance with local and state laws, Mayor Keolker opened the public meeting to consider state Initiative 933. Assistant CAO Marty Wine explained that the City invited both a proponent and an opponent of I-933 to each make a five-minute presentation of their positions before Council this evening. The initiative, which will go before voters to be decided in November, has the following ballot wording: "This measure would require compensation when government regulation damages the use or value of private property, would forbid regulations that prohibit existing legal uses of private property, and would provide exceptions or payments." The invited proponent was unable to attend the meeting and submitted a statement to be read into the record.

Jay Arnold, a representative of the "No on I-933" campaign, spoke against the initiative. He stated that under the initiative, a City is not allowed to regulate the size, scope, and intensity of development without compensation, and any zoning laws have to apply equally across a jurisdiction. Mr. Arnold explained that by its very nature, zoning treats different property differently, and different types of zoning are encouraged in different areas of a City. He indicated that cities' lack of ability to set standards will negatively affect residential and downtown areas.

Regarding compensation, Mr. Arnold reviewed the potential cost to the state, saying that the initiative will cause cuts in education and transportation. In terms of the legal impacts, he claimed that I-933 is poorly written and filled with loopholes. The initiative's "pay or waive" system allows for claims to go back at least ten years, which leads to frivolous lawsuits. Mr. Arnold pointed out that taxpayers will incur the legal costs. He concluded that the initiative will lead to irresponsible development, more traffic, and a rollback of environmental protections.

A statement submitted by initiative proponents Dan Wood and Patrick Connor, representatives of the Washington Farm Bureau, was read into the record. The proponents indicated that farmers and other property owners, especially in rural areas, are being hurt by land use regulations. I-933 would do the following:

- Require that before state or local governments enact new regulations which might damage the use or value of private property, they must consider the effects on private property and evaluate whether voluntary, cooperative, non-regulatory alternatives could meet the goal of the regulation instead;
- Provides that if restrictions damaging the use or value of property are enacted primarily to provide a public benefit, such as open space or wildlife habitat, then the regulating jurisdiction must pay for the damage or modify the restriction so it does not cause damage;
- Prohibits regulations which restrict property owners' rights to protect their property from fire, flooding, erosion or other natural disasters; and
- Prohibits regulations which require property to be left in a natural state, or regulations that prevent maintenance or the removal of trees and vegetation.

The statement indicated that the initiative would not repeal any existing state or local laws, and it listed circumstances whereby I-933 would not apply.

Regarding the costs, the statement indicated that initiative opponents' estimates are unsupported by fact or logic. It was noted that not one jurisdiction in Oregon has paid a claim (Oregon's Measure 37 was enacted two years ago), and

successful claims in Oregon have been resolved through a waiver process.

At the end of the allotted five-minute time period, it was MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL ALLOW THE REST OF THE STATEMENT TO BE READ AND THEN GIVE AN EQUAL AMOUNT OF TIME TO THE OPPONENT. CARRIED.

In regards to waivers, the proponents said that while variances, exemptions, and modifications may have different meanings or applications than "waivers" in the eyes of the opposition's analysts, anyone familiar with local government knows that great latitude exists in how regulations are crafted and enforced. Indicating that state and local governments can achieve the goals of managing growth and protecting the environment without damaging private property, it was pointed out that a host of non-cash compensatory mechanisms already exist.

Regarding the legal impacts, the statement indicated that local government has much more to fear from litigation it already suffers under the existing Growth Management Act than it should expect under I-933. Thus, the initiative may provide property owners and local governments with a stronger defense against litigation.

Opponent Jay Arnold was allowed five additional minutes to speak on I-933 as per Council's motion. He pointed out that cities and counties in Oregon have incurred administrative costs in processing and evaluating claims associated with Measure 37. Mr. Arnold further pointed out examples of land uses that have taken place in Oregon as a result of issued waivers. He noted that zoning decisions made since 1996 are potential compensation claims. In conclusion, he stated that over 200 organizations oppose the initiative and he asked that Council do the same.

Correspondence was read from Steve Butler, American Planning Association Washington Chapter President, urging Council to adopt a resolution opposing Initiative 933. He pointed out that the poorly-drafted, over-reaching initiative is a threat to the vitality of the state's economy, the quality of its environment, and the livability of its cities.

Public comment was invited. There being none, it was MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL CLOSE THE PUBLIC MEETING. CARRIED.

Councilman Clawson acknowledged that people in rural areas do have problems with buffers and setbacks, and noted that these regulations should be addressed through the legislative process. Saying that I-933 will penalize the City for downzoning, he explained that there is nothing to prevent a developer who purchased low-density property after the zoning regulations were adopted from suing the City, potentially resulting in a high-density development.

Additionally, Mr. Clawson stated that the City's aquifer is vulnerable to chemical contamination, and facilities such as dry cleaners were moved from Aquifer Protection Area, Zone 1. He expressed concern that the initiative has the potential to negatively affect this protected area. Councilman Clawson stressed that the initiative is not well-written and may be harmful to the people of Renton.

MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL ADOPT A

## ADMINISTRATIVE REPORT

RESOLUTION OPPOSING I-933. CARRIED. (See page 364 for resolution.)

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2006 and beyond. Items noted included:

- ✱ King County Metro Transit will hold a Transportation Resources Workshop on November 7 at Renton City Hall to provide an overview of many of the Puget Sound transit agencies and programs available to the community.
- ✱ Trick or Treat at local businesses and celebrate at the "Olde" Halloween Party outdoors in Main Street Square in downtown Renton on October 28.
- ✱ The Renton Fire Department encourages everyone to change smoke alarm batteries when setting clocks back one hour with the end of Daylight Savings Time on October 29.

## AUDIENCE COMMENT

Citizen Comment: DeMastus -  
Highlands Area Break-Ins,  
Fireworks Ban

Sandel DeMastus, Highlands Community Association Vice President and Highlands Zoning Task Force Member, PO Box 2041, Renton, 98056, expressed concern regarding the number of break-ins in the Highlands area and urged review of this public safety matter. Additionally, Ms. DeMastus expressed her support for maintaining the ban on fireworks in Renton.

Citizen Comment: Moore -  
Highlands Zoning Task Force

Kirk Moore, 1901 Harrington Circle NE, Renton, 98056, reported on the progress of the Highlands Zoning Task Force, noting that the task force will come up with a plan over the next four meetings.

Citizen Comment: Madson -  
Citizen Initiative, Fireworks  
Ordinance

Lori Madson, 1301 SW 16th St., Renton, 98056, introduced herself as a member of the Committee to Keep Renton Safe and a representative of Renton Firefighters Local 864. She spoke on the subject of Renton Proposition 1, initiative measure concerning fireworks, which will go before voters on November 7. Ms. Madson read the against statement listed in the King County Local Voter's Pamphlet, which encourages voters to vote no on this initiative, as a no vote will keep Renton's ban on the sale and discharge of all fireworks within the City intact.

Additionally, Ms. Madson read a statement from Firefighters Local 864, which also encourages voters to vote against Proposition 1. Reporting that the repeal of the fireworks ban is fueled by fireworks lobbyists, she stressed that the ban on fireworks is not unpatriotic.

MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL ALLOW THE SPEAKER FIVE MORE MINUTES. CARRIED.

Ms. Madson stated that the Renton- and business-sponsored fourth of July fireworks event brings the community together and is very patriotic. She pointed out that the fireworks discharge hours would increase from 15 (pre-ban) to more than 60 if this initiative passes.

Councilwoman Briere reiterated that the initiative allows more fireworks discharge hours than Renton allowed prior to its ban on fireworks. Councilman Persson indicated that Proposition 1 will limit the City's ability to regulate firework stands, which could be problematic.

Citizen Comment: Walker - Sir  
Cedric Condominium  
Redevelopment, Highlands

Colin Walker, 3233 NE 12th St., #301, Renton, 98056, stated that he is the president of the Sir Cedric Condominium Homeowners Association Board of Directors. He reported that the condominium complex's repair and restoration

Area	project is proceeding on schedule and on budget. Mr. Walker said he is pleased that the complex is part of the revitalization of the Highlands area, and he is also pleased about the positive changes occurring in Renton such as the downtown redevelopment, The Landing project, and the Sam Chastain Waterfront Trail.
	Responding to Council President Corman's inquiries, Mr. Walker shared the motivation behind and the history of the restoration project, noting that it was funded by individual unit owners through a lump-sum special assessment ranging from \$28,000 to \$33,000 per unit.
Citizen Comment: Puckett - Wonderland Estates Mobile Home Park, Annexation	Jerry Puckett, 15260 Oak Dr., Renton, 98058, who lives at Wonderland Estates Mobile Home Park on Maple Valley Hwy. in unincorporated King County, noted the stress that park residents are under due to the potential of losing their homes. Mr. Puckett stated that he is anxious for the property to annex to the City of Renton, and inquired as to the Maplewood Addition Annexation process time frame. He indicated that residents are working towards purchasing the park property.
	Mayor Keolker pointed out that once the property is annexed to Renton, it may be more vulnerable to redevelopment. She stated that staff will contact him regarding the time frame of the annexation.
Citizen Comment: Puckett - Wonderland Estates Mobile Home Park	Iola Puckett, 15270 Pine Dr., Renton, 98058, indicated that she lives at Wonderland Estates Mobile Home Park. Stating that residents are trying to purchase the park property, she issued an invitation to their Saturday pancake breakfast fundraisers.
<b>CONSENT AGENDA</b>	Items on the consent agenda are adopted by one motion which follows the listing.
Council Meeting Minutes of 10/16/2006	Approval of Council meeting minutes of 10/16/2006. Council concur.
Appointment: Airport Advisory Committee	Mayor Keolker appointed the following individuals to the Airport Advisory Committee to fill vacant three-year terms: Renton Hill/Monterey Terrace neighborhood alternate representative Dina Davis, 433 Cedar Ave. S., Renton, 98057 (term to expire 5/7/2007); West Hill neighborhood alternate representative John Middlebrooks, 510 Seneca Ave. NW, Renton, 98057 (term to expire 5/7/2009); Aircraft Owners and Pilots Association primary representative Colleen Turner, 15205 140th Way SE, B-104, Renton, 98058 (term to expire 5/7/2009); and North Renton neighborhood primary representative Richard Zwicker, 446 Pelly Ave. N., Renton, 98055 (term to expire 5/7/2007). Refer to <u>Community Services Committee</u> .
CAG: 06-108, Maplewood Golf Course Driving Range Netting, NETServices	Community Services Department submitted CAG-06-108, Maplewood Golf Course Driving Range Netting Replacement; and requested approval of the project, authorization for final pay estimate in the amount of \$129,225.09, commencement of 60-day lien period, and release of retained amount of \$6,224.72 to NETServices, LLC, contractor, if all required releases are obtained. Council concur.
Development Services: System Development Charges, UC-N	Development Services Division recommended approval to clarify the calculation of System Development Charges as applied to mixed-use or multi-

Zone	family properties in the Urban Center North zone in the same manner as the Commercial/Office/Residential and Center Downtown zones. Refer to <u>Utilities Committee</u> .
Planning: East Renton Plateau PAA Future Zoning	Economic Development, Neighborhoods and Strategic Planning Department recommended setting public hearings on 11/6/2006 and 12/11/2006 to consider the rezoning for the East Renton Plateau Potential Annexation Area. Refer to <u>Planning Commission</u> ; set public hearings.
Comprehensive Plan: 2006 Amendments	Economic Development, Neighborhoods and Strategic Planning Department recommended a public hearing be set on 11/13/2006 to consider the 2006 Comprehensive Plan amendments, concurrent rezonings, zoning text amendments, and the development agreement for the former Aqua Barn site. Council concur.
Utility: 2006 Emergency Power Generation, RH2 Engineering	Utility Systems Division recommended approval of an agreement in the amount of \$151,240 with RH2 Engineering, Inc. to provide engineering consulting services during construction of the 2006 Emergency Power Generation Project. Council concur.
	MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.
<b>UNFINISHED BUSINESS</b> <b><u>Finance Committee</u></b> Finance: Vouchers	Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 253355 - 253808 and two wire transfers totaling \$5,269,221.21; and approval of Payroll Vouchers 66244 - 66409, one wire transfer, and 636 direct deposits totaling \$2,001,990.63. MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
Community Services: City Hall Deli Lease, 5 Kwang Corporation	Finance Committee Chair Persson presented a report recommending concurrence in the staff recommendation to approve the five-year lease with Kap S. Yang and Min J. Chang (doing business as 5 Kwang Corporation) for operation of the deli on the 3rd floor of City Hall and the espresso stand in the Renton Transit Center. The Committee further recommended that the <u>Mayor and City Clerk</u> be authorized to sign the lease. MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
<b><u>Transportation (Aviation) Committee</u></b> Transportation: BNSF Railroad Track, Severing at Wilburton	Transportation (Aviation) Committee Chair Palmer presented a report regarding the severing of the Burlington Northern Santa Fe (BNSF) Railroad Track at Wilburton. The Committee recommended that the City of Renton formally protest the rail abandonment petition filed by BNSF on 10/19/2006 before the US Surface Transportation Board (STB Docket No. AB-6 [Sub. No. 453X]). The reasons cited by the Committee for this protest action include the considerable damage to the City's economy posed by the impact of the rail abandonment on potential future location decisions by The Boeing Company, damage created by the discontinuation of the Spirit of Washington Dinner Train, and potential damage from not having this line available to pending users along the east shore of Lake Washington. The Committee remains fully supportive of the expeditious upgrade of the BNSF Cedar River Bridge to accommodate longer fuselage transport to the Renton Boeing Plant. MOVED BY PALMER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**RESOLUTIONS AND  
ORDINANCES****Resolution #3838**

AJLS: Initiative 933  
(Government Regulation of  
Private Property)

The following resolution was presented for reading and adoption:

A resolution was read opposing I-933, entitled "An Act Relating to Providing Fairness in Government Regulation of Property." MOVED BY BRIERE, SECONDED BY LAW, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

**NEW BUSINESS**

School District: IKEA  
Performing Arts Center Events

Council President Corman encouraged citizens to attend the local talent events at the Renton IKEA Performing Arts Center.

School District: Activities

Councilwoman Nelson highlighted Renton School District activities and honors, which included recognition of student and teacher participation in community service efforts.

**AUDIENCE COMMENT**

Citizen Comment: Breeden -  
Wonderland Estates Mobile  
Home Park

Raymond A. Breeden, Sr., 15279 Maple Dr., Renton, 98058, invited everyone to the Wonderland Estates Mobile Home Park's Saturday pancake breakfast fundraisers, which help raise money to cover expenses in the residents' attempt to purchase the park property.

**ADJOURNMENT**

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:55 p.m.

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Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann  
October 23, 2006